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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,053	08/09/2000	Shin Terao	F-6614	5763

7590 09/16/2002
Jordan and Hamburg
121 East 42nd Street
New York, NY 10168

EXAMINER

WHITE, CARMEN D

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 09/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/635,053

Applicant(s)

TERAO ET AL.

Examiner

Carmen D. White

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner. *and have been approved by the Draftsperson.*
- 10) ☒ The drawing(s) filed on 9/9/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 and 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitrick (6,084,168).

Regarding claims 1-6, 10-13 and 17-18, Sitrick teaches a music system that comprises a first music apparatus for reproducing music for a first player; and a second music apparatus that communicates with the first music apparatus by way of a communication path; the first apparatus includes a first music data storage; a first music reproducer; a first start instructor and a first reproduction controller; the second apparatus including a second music data storage device; a second music reproducer and a second start instructor (abstract; fig. 1A; fig. 4). While Sitrick teaches the feature of timing-synchronization for synchronizing the music reproduction between the first and second music game apparatuses (Fig. 16; Fig. 18; col. 2, lines 66-67 through col. 3, lines 1-9), Sitrick is silent as to the explicit use of a count value that corresponds to lost time and a position calculator for receiving the count value in order to synchronize the music reproduction timing. The examiner takes official notice that the use of counters for synchronization is well known in the art. It would have been obvious to include the use of counters in Sitrick for determining the synchronization of the music in order to

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provide a less complex system of synchronization; thereby decreasing the amount of data transferred, which would speed up data transmission.

Regarding claims 7-8, 14-15, and 19, Sitrick further teaches motion input units for the users that corresponds to the synchronization of the music (Fig. 9; col. 21, lines 16-48).

Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitrick (6,084,168) in view of Takai (6,116,908).

Regarding claims 9 and 16, Sitrick teaches all the limitations of the claims as discussed above. While Sitrick teaches motion sensors, Sitrick lacks teaching the use of steppers onto which the user steps to input stepping motions. In an analogous music apparatus, Takai teaches the use of steppers to sense foot motion for dance instruction (abstract; Fig. 1). It would have been obvious to a person of ordinary skill in the art to utilize the stepper motion sensors of Takai in the invention of Sitrick in order to sense the users foot motions more precisely as the user moves and reacts to the musical compositions.

Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sagawa et al and Fedrigon et al teach motion sensing systems. Suzuki et al teaches a dance motion sensing apparatus.

USPTO Contact Information

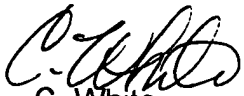
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-

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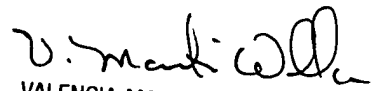
5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.



C. White
Patent Examiner



VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
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